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REMARKS

Claims 1-65 were presented for examination and were rejected. Applicant now requests reconsideration and allowance of claims 1-65.

The correction of the inventorship is noted.

Claim Rejections - 35 USC § 102

Claims 1-5, 9-21, 29-33, and 62-64 have been rejected under 35 U.S.C. 102(b) as being unpatentable by *Moorby* (U.S. Patent No. 5,892,507).

Claim 1 has been amended to include creating a second audio element and displaying a visual representation of the second audio element. Claim 11 has been amended to delete limitations that are now in amended claim 1.

As understood *Moorby* at best merely discloses a workspace 202 that displays a storyline 200 as shown in Figure 9. Column 10, line 60-column 11, line 4. The location of the audio1 icon is tied to the storyline 200. Figures 11a-11c show a timeline 270 with icons 256 in the timeline 270. The position of the icons 256 is set by the timeline and is not configurable by the user as recited in claim 1. Figure 17 is referenced in the office action for the rejection of claim 11. Figure 17 illustrates two stories 500 and 502 that share an icon. The icons are tied to the timeline of the stories and thus are not configurable by the user and are located based on relationships between the icons. In contrast, claim 1 recites "a display position of the visual representation of the second audio element is independent of the audio data field of the second audio element and the visual representation of the first audio element, and is controllable by the

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user." Lacking at least this claim feature *Moorby* cannot render claim 1 or claims 2-5 and 9-21, which depend on claim 1, unpatentable.

For similar reasons, *Moorby* does not render claims 29-33 and 62-64 unpatentable. Therefore it is respectfully submitted that claims 1-5, 9-21, 29-33 and 62-64 are patentable over the references of record. Withdrawal of this rejection is respectfully requested.

Claims 44, 50, 51, 55, 57, and 58 have been rejected under 35 U.S.C. 102(b) as being anticipated by Sound Forge V4.5 ("SOUND FORGE V4.5", Sound Forge for Windows 95 and NT version 4.5).

Claim 44 recites "modifying a link object including a reference to the deleted first or second audio elements to delete said reference and to include a reference to the new audio element." Claims 50, 51, 55, 57 and 58 recite "modifying a link object." SOUND FORGE V4.5 discloses Figures with various waveforms but does not disclose modifying a link object as recited in claims 44, 50, 51, 55, 57 and 58.

Further, SOUND FORGE V4.5 discloses a sound display module, containing amplitude versus time waveform functions. The various modules in Figures 2-4 disclose a variety of different sound waveform functions, but no disclosure is made in SOUND FORGE V4.5 regarding a method for joining these waveform functions and modifying a link reference.

Even if a method for joining these waveforms was disclosed by SOUND FORGE V4.5, which Applicants do not concede, the waveforms created by this method in no way resemble the audio elements of the presently claimed invention of claims 44 and 50-51. The Figures of SOUND FORGE V4.5 merely disclose various screen shots that include waveforms, and do not disclose the various limitations of claims 44 and 50-51. Furthermore, SOUND FORGE V4.5

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does not disclose "retrieving information from the second audio element and storing it in the new audio element" as recited in claim 44; and does not disclose "storing the retrieved information from the second audio element in the first audio element" as recited in claim 50. Figures 3 and 4b of SOUND FORGE V4.5 simply disclose another waveform module with no disclosure of how the waveform was generated, unlike the method of claims 44 and 50. Lastly, no disclosure is made in SOUND FORGE V4.5 regarding deleting an audio element, as recited in claims 44, 50, 55, and 57. A waveform not appearing on a display module, as shown in Figures 3, 4b, 5b, and 6b of SOUND FORGE V4.5, does not constitute deleting a waveform, or an audio element for that matter.

SOUND FORGE V4.5 discloses a sound display module, containing amplitude versus time waveform functions. The various modules in Figures 5-6 disclose a variety of different sound waveform functions, however, no disclosure is made in SOUND FORGE V4.5 regarding a method for splitting these waveform functions, in accordance with the recitations of claims 55 and 57-58. The Figures of SOUND FORGE V4.5 merely disclose various screen shots that include waveforms, and do not disclose the various limitations of claims 55 and 57-58. In particular, SOUND FORGE V4.5 does not disclose "receiving user input identifying an original audio element to be split, the original audio element containing a beginning point, an ending point, and a splitting point, the splitting point situated in between the beginning point and the ending point" as recited in claims 55 and 57. SOUND FORGE V4.5 merely discloses individual waveform functions, but does not disclose how these functions came to be displayed in a module, much less identifying, by user input, an original audio element with a beginning point, ending point, and a splitting point. No user or user input is identified by SOUND FORGE V4.5.

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Furthermore, SOUND FORGE V4.5 does not disclose "storing audio data in a new audio element" where the audio data is retrieved from the original audio element, as variously recited in claims 55 and 57. In Figures 5b and 6b, SOUND FORGE V4.5 discloses more display modules containing more sound waveforms, yet no mention of the relationship between the "new" display modules 550, 555, 630 and the "original" display modules 540, 600 is made, nor is a method disclosed for splitting the "original" display modules 550, 555, 630 to form the "new" display modules 540, 600, in accordance with the claimed recitations of claims 55 and 57.

Therefore, for at least theses reasons, Applicants submit that claims 44, 50-51, 55 and 57-58 are patentably distinct over the art of record and respectfully request that they be passed to allowance.

Claim Rejections - 35 USC § 103

Claims 65 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Moorby*

Because claim 65 depends on claim 62, it is respectfully submitted that claim 65 is patentable over *Moorby* for similar reasons as described above in conjunction with claim 62. Therefore, it is respectfully submitted that claim 65 is patentable over the references of record. Withdrawal of this rejection is respectfully requested.

Claims 22-28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Winamp* ("*Winamp*", Winamp version 2) in view of *Moorby*

Claim 22 has been amended to recite "modifying a link object including reference to the deleted identified audio element or a reference to an audio element having renumbered ordinal." Neither *Winamp* nor *Moorby* disclose, either individually or in combination, the modifying a link

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object as recited in claim 22. Lacking at least this claim feature, *Winamp* and *Moorby* cannot render claim 22 unpatentable. Claim 23 recites "modifying a link object including a reference to an audio element having renumbered ordinal." Neither *Winamp* nor *Moorby* disclose, either individually or in combination, the modifying a link object as recited in claim 23, or in claims 24-28, which depend on claim 23. Lacking at least this claim feature, *Winamp* and *Moorby* cannot render claims 23-28 unpatentable. Therefore, it is respectfully submitted that claims 22-28 are patentable over the references of record. Withdrawal of this rejection is respectfully requested.

Claims 6-8 and 34-35 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Moorby* in view of *Capps* ("*Capps*", US# 5,151,998).

Moorby is discussed above. *Capps* has been cited for disclosing an audio indicator that is a waveform. However, Capps does not disclose or even suggest the display position" display position of the visual representation of the second audio element is independent of the audio data field of the second audio element and the visual representation of the first audio element, and is controllable by the user" recited in claim 1. Because claims 6-8 depend on claim 1, it is respectfully submitted that *Moorby* and *Capps* do not render claims 6-8 unpatentable. For similar reasons, *Moorby* and *Capps* do not render claims 34-35 unpatentable. Therefore, it is respectfully submitted that claims 6-8 and 34-35 are patentable over the references of record. Withdrawal of the rejection is respectfully requested.

Claims 37-43 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Moorby* and *Capps* in view of *Sound Forge V4.5* ("SOUND FORGE V4.5", Sound Forge for Windows 95 and NT version 4.5).

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Moorby, Capps, and SOUND FORGE V4.5 are described above. SOUND FORGE V4.5 does not disclose or suggest the limitations noted above in conjunction with the rejection of the base claim 34 based on *Moorby* and *Capps.* For at least this reason, *Moorby, Capps,* and SOUND FORGE V4.5 cannot render claims 37-43 unpatentable. Therefore, it is respectfully submitted that claims 37- 43 are patentable over the references of record. Withdrawal of the rejection is respectfully requested.

Claims 45-49, 52-54, 59, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sound Forge V4.5 ("SOUND FORGE V4.5", Sound Forge for Windows 95 and NT version 4.5) in view of *Winamp* ("*Winamp*", Winamp version 2).

SOUND FORGE V4.5 is described above. *Winamp* has been cited merely for ordinal values. Because *Winamp* does not disclose or even suggest the features of base claims 44, 50, and 57, and SOUND FORGE V4.5 also does not for the reasons above, SOUND FORGE V4.5 and *Winamp* cannot render claims 45-49, 52-54, 59, and 60 unpatentable. Therefore, it is respectfully submitted that claims 45-49, 52-54, 59, and 60 are patentable over the references of record. Withdrawal of the objection is respectfully requested..

Claims 56 and 61 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sound Forge V4.5 ("SOUND FORGE V4.5", Sound Forge for Windows 95 and NT version 4.5) in view of Schuur et al ("*Schuur*", US# 5,504,853).

SOUND FORGE V4.5 is described above. *Schuur* has been cited merely for determining and updating links. However, *Schuur* adds only a data structure template for graphics objects and symbols, and a method for linking parent and child graphic objects. The cited column 7, lines 16-17 of *Schuur* merely refer to a connection being established between two figures in the
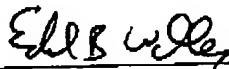
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same area. However, this is not the modifying link objects recited in the bases claims 55 and 57.

Because *Schuur* does not disclose or even suggest the features of base claims 55 and 57, and

SOUND FORGE V4.5 also does not for the reasons above, SOUND FORGE V4.5 and *Schuur*

cannot render claims 56 and 61 unpatentable. Therefore, it is respectfully submitted that claims

56 and 61 are patentable over the references of record. Withdrawal of the objection is

respectfully requested.

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Conclusion

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In sum, Applicants respectfully submit that claims 1-65, as amended and presented

herein, are patentably distinguishable over the cited references (including references cited, but

not applied). Therefore, Applicants request reconsideration and allowance of these claims. In

addition, Applicants respectfully invite Examiner to contact Applicants' representative at the

number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
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